INTERNET FORM NLRB-501

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE				
Case	Date Filed			
05-CA-243000	6/7/19			

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT b. Tel. No. a. Name of Employer (773) 255-5846 FDRLST Media, LLC c. Cell No. f. Fax No. d. Address (Street, city, state, and ZIP code) e. Employer Representative g. e-Mail 6160 N. CICERO AVENUE Suite 410 IL Chicago 60646h. Number of workers employed i. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service **Printing & Publishing** Online Magazine k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) 4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No. (b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C 4d. Fax No. 4e. e-Mail (b) (6), (b) (7)(C) 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Tel. No. 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) Office, if any, Cell No. Title: (signature of representative or person making charge) (Print/type name and title or office, if any) Fax No. e-Mail 06/7/2019 14:01:50 (b) (6), (b) (7)(C) (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights

protected by Section 7 of the Act by threatening to retaliate against employees if they joined or supported a union.

Name of Employer's Agent/Representative who made the statement	Approximate date	
(b) (6), (b) (7)(C)	June 7, 2019	





FYI @fdrlst first one of you tries to unionize I swear I'll send you back to the salt mine

10:39 PM - 6 Jun 2019





YI @fdrlst first one of you tries to unionize I swear I'll send you back to the salt mine

8:39 PM - 6 Jun 2019

120 Retweets 1,132 Likes











864

120



C) 1.1K



🥯 🗟 🐘 @Doc_Irrelephant - Jun 7

Replying to @bdomenech @FDRLST

Paging @NLRB 👺

Unfair Labor Practices by Employers

The NLRA prohibits employers from:

· Interfering with an employee's right to organize, join, or assist a union; engage in collective bargaining; or engage in protected, concerted activities. For example, employers must treat union-related conversations among employees like any other matter unrelated to work: They may not make special rules that single out communications relating to the union or to workplace grievances for disciplinary treatment.

12

86

C 2.0K



Jim @staxringold - Jun 7 nlrb.gov/rights-we-prot...

Literally the NLRB's first example of prohibited employer activity: "Threatening employees with loss of jobs or benefits if they join or vote for a union or engage in protected concerted activity."

69

C 1.5K



ChrisB @Chriswb71 - Jun 7 "but i was just joking"

(7) 193

Jay S.(work, plz) @JayTraveller - Jun 7

I've been on the business end of several of those jokes, they weren't that funny, really:(



Christoph Mergerson @SouthbyNE - Jun 7

Implied threats from those with power towards those without it is never simply a joke.

13

C 196



Jay S.(work, plz) @JayTraveller - Jun 7 and, yet, it's the everyday for us without power.



Jay S.(work, plz) @JayTraveller - Jun 7 and, yet, it's the everyday for us without power.

0



Hans Fiene @HansFiene - Jun 7 Replying to @bdomenech @FDRLST

Can you get us an office building so we can stage a walkout, though?

2

1

O 28



Ben Domenech @bdomenech - Jun 7



2

O 15



Nick Carroll @LibertyAndTech · Jun 7

"We can't block scabs from coming into our office if we have no office!"

0 9



Miles Klee @Miles Klee - Jun 7

Replying to @bdomenech @FDRLST

does this salt business fund the Federalist

2 3

♥ 314



Judy Berman @judyberman · Jun 7

The Federalist: Take our views with literally an entire mine of salt

2

C 294



Ben Schwartz !;!; @benschwartzy - Jun 7

O 23

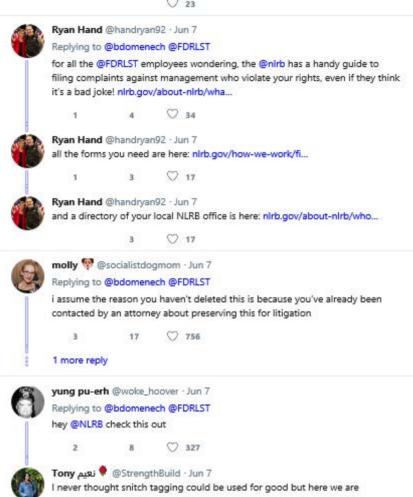


Ryan Hand @handryan92 - Jun 7

Replying to @bdomenech @FDRLST

for all the @FDRLST employees wondering, the @nlrb has a handy guide to filing complaints against management who violate your rights, even if they think it's a bad joke! nlrb.gov/about-nlrb/wha...









top 5 tweets that break labor laws

2 0 105

Robbie Clark @f1xxxar - Jun 7

No tweet can break labor laws. Labor laws that restrict speech violate the First Amendment.

2

squid @extremelysquid - Jun 7 actually, the first amendment is different per the bofa act.

C) 11

Robbie Clark @f1xxxar - Jun 7 Googling "bofa act" yielded nothing. But, no matter what, that law can't override the First Amendment.



Googling "bofa act" yielded nothing. But, no matter what, that law can't override the First Amendment.





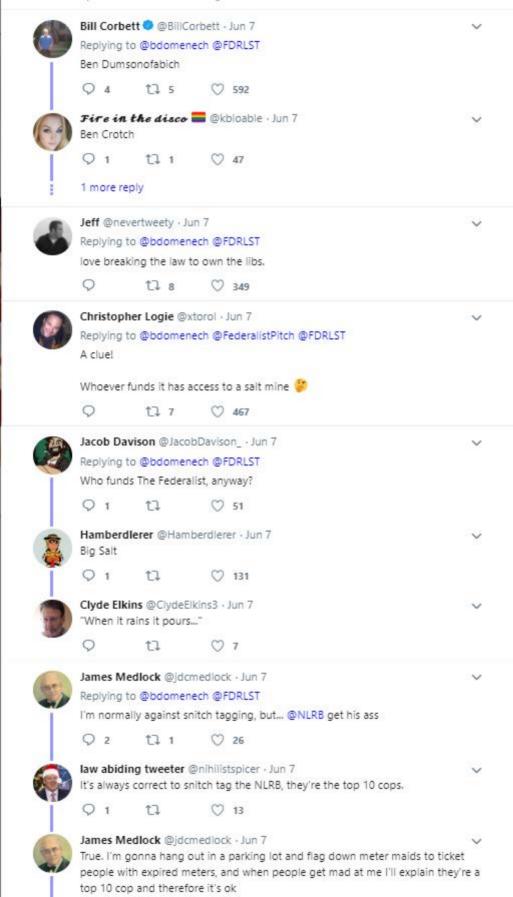


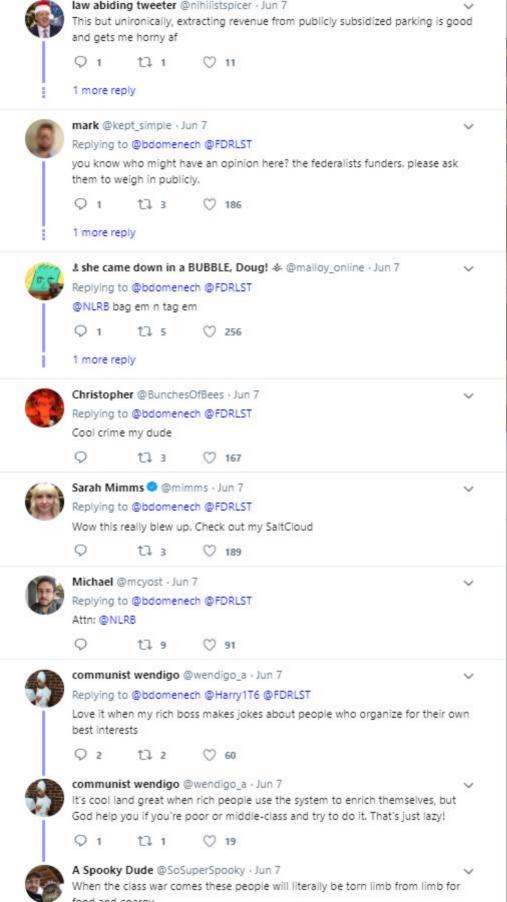
Q 4 tl 3 🔘 37



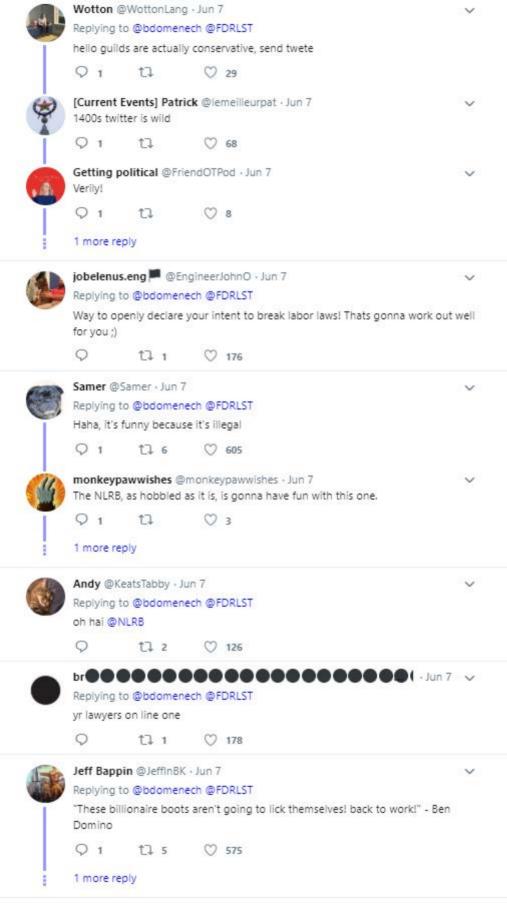








100	God field you if you're poor or middle-class and try to do it, That's just lazy:				
	Q 1 1 1 0 19				
	A Spooky Dude @SoSuperSpooky • Jun 7 When the class war comes these people will literally be torn limb from limb for food and energy.	ě			
	Q 2 t] 0 6				
1	1 more reply				
Th	Philosophys Possibly Most Incompetent Grad Student @christa • Jun 7 🗸				
	Replying to @bdomenech @FDRLST				
	go online post crimes				
6	bobo the sleuth @woodmasterfresh - Jun 7	,			
	Replying to @bdomenech @FDRLST				
	"i love to commit labor crimes on my twitter, it's my favorite thing to do" - Ben, earlier today				
	Q 124 ♥ 124				
	matt lubchansky © @Lubchansky Jun 7 Replying to @bdomenech @FDRLST Imao i love your tweets dude! instant follow Ø bey real quick who funds the federalist? you can tell me, i won't say anything 1 1 2 341 1 more reply	E			
	Chad in a . @RevDJEsq - Jun 7	5			
	Replying to @bdomenech @FDRLST I guess we'll find out who funds the Federalist in discovery in the soon-to-be- filed illegal labor practices case against y'all				
	Q 1 1 4 © 306				
	1 more reply				
	Wotton @WottonLang - Jun 7				
	Replying to @bdomenech @FDRLST				
	hello guilds are actually conservative, send twete				
	Q 1 t3 ♡ 29				
	[Current Events] Patrick @lemeilleurpat · Jun 7 ~ 1400s twitter is wild	è			
T	Q 1 C 0 68				
A	Getting political @FriendOTPod ⋅ Jun 7 Verily!	e.			



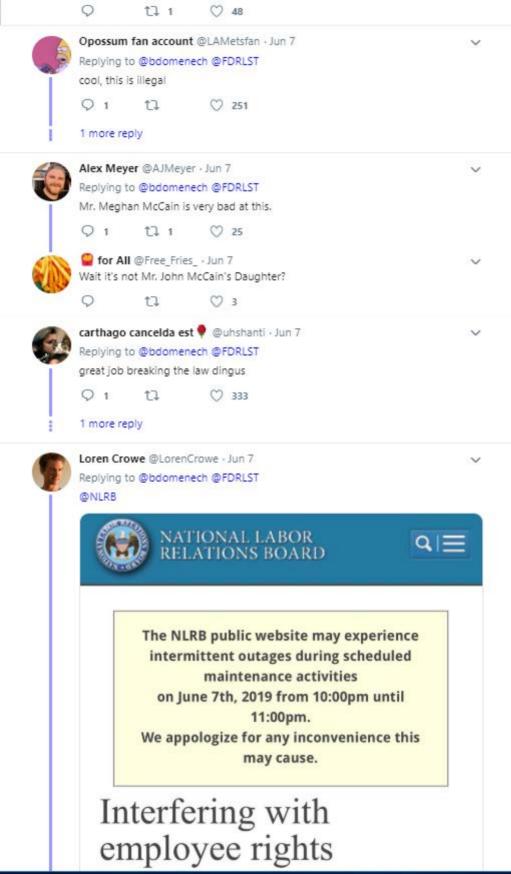
	Chico DSA @dsachico · Jun 7 Replying to @bdomenech @FDRLST				
Glaco	Come for the criminal acts, stay for the ratio.				
	Q 1 tl 5 🔘 84				
	1 more reply				
	Conflict-Zone Correspondant Frank Dalca @FrankDalca -	Jun 7 🗸			
	Replying to @bdomenech @FDRLST				
	Breaking federal labor law to own the libs				
	Q t1 2 ♡ 78				
	Phineas, engage! @AdamUltraberg · Jun 7	~			
	Replying to @bdomenech @FDRLST				
400	Love to do crimes online				
	Q 17 2 Ø 84				
	Hilary Agro 🍄 @hilaryagro - Jun 7	~			
	Replying to @bdomenech @FDRLST				
	Love to tweet about flagrantly breaking labour laws				
	Q t] 2 0 87				
presson.	The Toilet Wonk @JoeThrashnkill - Jun 7	~			
925	Replying to @bdomenech @FDRLST				
\$422AP	breaking employment law to own the libs, classic!				
	O 1 1 3 (*) 440				
	7				
	Roh @TheGreatRoh - Jun 7	~			
S	Employment law should be broken.				
1	Q 1 tl Ø				
(SSB).	The Toilet Wonk @JoeThrashnkill - Jun 7	22			
do do	wanna hear my ancap impression? it goes a little something like this:				
1991	*ear splitting fart noises*				
	Q t1 0 2				
_					
0	Gamera Obscura VIII @FugaziTruther - Jun 7	~			
1	Replying to @bdomenech @FDRLST				
1	Don't think you need a mine, plenty of salt in your tweets				
	Q 1 t4 1 0 129				
	1 more reply				
	1 Second Control of the Control of t				
-	jhilton32 @jhilton32 - Jun 7	~			
	Replying to @bdomenech @FDRLST				
T	I actually respect this tweet. A conservative willing to admit workers should be subservient peasants. Kudos Ben.				
	Q 1 1 1 0 22				



	Replying to @bdomenech @FDRLST					
	As a socialist I endorse this. Conservatives should be made to work until their fingers bleed and they can barely stomach the thought of another day on this Earth					
	Q 1	t] 3	\bigcirc	147		
	1 more repl	У				
	SewMThing	g Clever 🥏	@sew	mthingclever • Jun 7	~	
	Replying to @bdomenech @FDRLST					
	And here is	a classic exa	ample	of violating labor laws. 🤗		
	Q 1	17 1	\bigcirc	91		
	Pat H @Pat	Harrigan1	lun 7		V	
				ebody having some fun, which used to be allowed	ed	
	and prevale			40 \$40 \$40 \$10 00 \$10 00 \$10 \$10 \$10 \$10 \$10 \$10		
	Q 1	tı	\circ	Ĭ.		
(1)	SewMThin	n Clever 🥏	@sewi	mthingclever - Jun 7	~	
				r and current publisher of The Federalist, right?	8	
THE REAL PROPERTY.	0	tī	\circ	3		
12.23						
-	Brett Hami				~	
	Replying to					
	Who funds	your publica	ation th	nx in advance for answering		
	Q	t] 1	\bigcirc	54		
	Unlearning	Economics	@Unl	earningEcon - Jun 7	~	
	Replying to @bdomenech @FDRLST					
	You can tell	a man's vio	es by h	is friends, his virtues by his enemies.		
	Q	1] 1	\bigcirc	64		
601	ej @Keseysl	Notion - Jur	7		~	
	Replying to	@bdomene	ch @F	DRLST		
	Instead just hook them up with some more foreign payola and they won't need to unionize.					
	0	†l	~	105		
	V	L+	~	105		
5	A Flock Of				~	
	Replying to @bdomenech @FDRLST					
	If you really politics	want to pu	nish th	em, make them listen to your wife talk about		
	Q	17 1	\bigcirc	41		
43	Queen of A	nCapistan	@syd	viciously - Jun 6	~	
	Replying to					
	You mean Buzzfeed?					
	0	†7 •	0	24		
	V	(L4 E		34		







Interfering with employee rights (Section 7 & 8(a)(1))

Q 1 1 2 0 15





O 17 0 6



marea rosa → @smrt_fasizmu · Jun 7
Replying to @bdomenech @FDRLST
Imao good job committing a crime here Ben

Q 1

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207

1 more reply



Doug Hageman @DougHageman · Jun 7 Replying to @bdomenech @FDRLST

@UnionSaltBae

Q

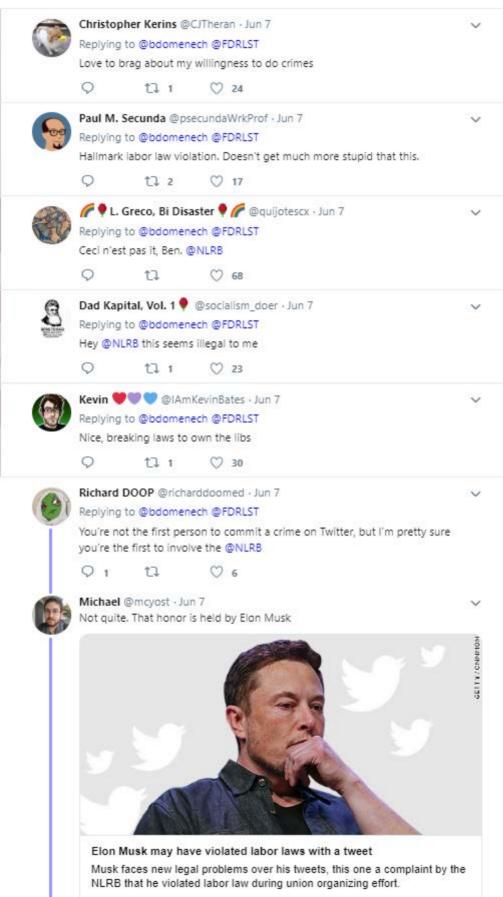
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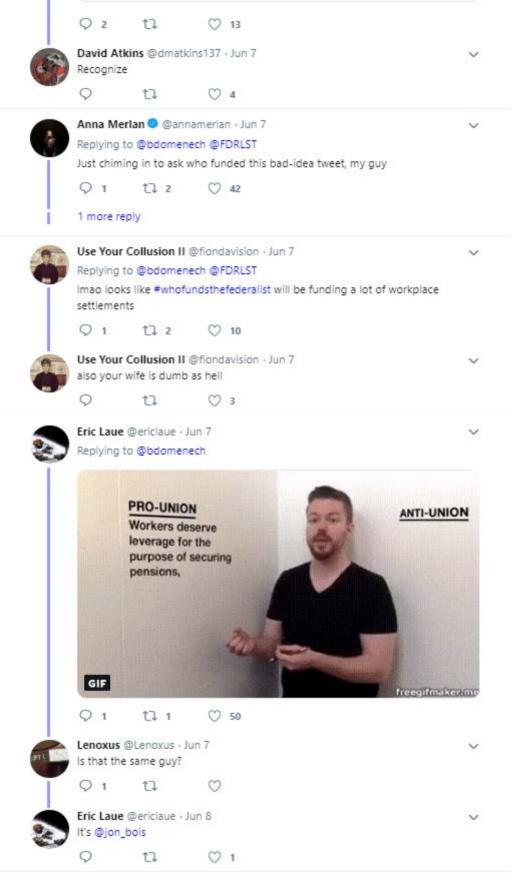
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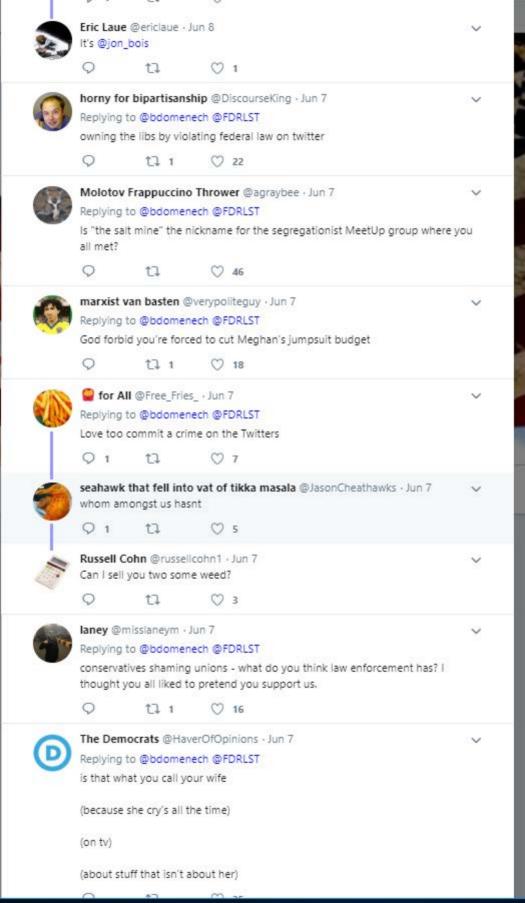


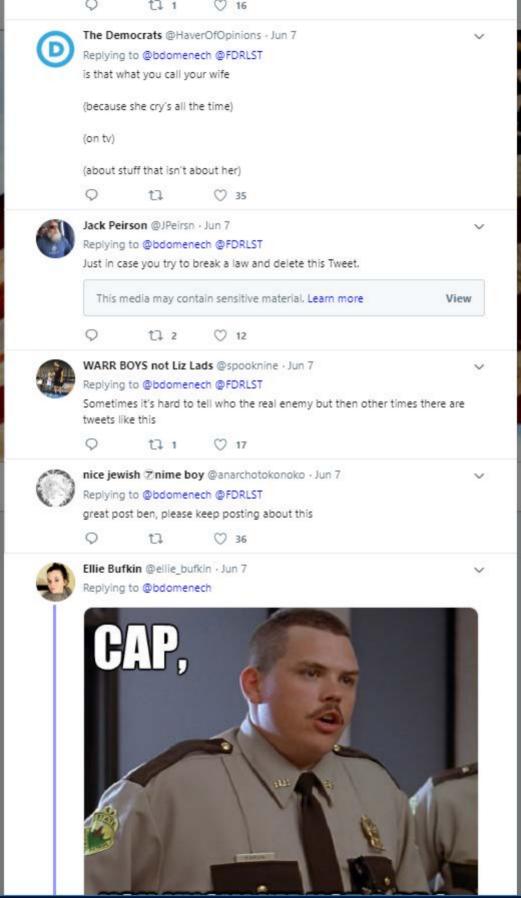


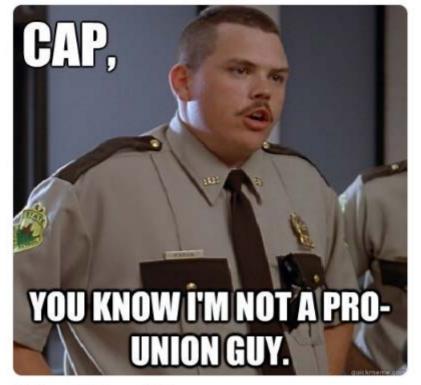












Q 2

17 1

0 5



Margot Cleveland @ProfMJCleveland · Jun 7

Wait! He didn't make you sign a yellow dog contract before coming on board?

Q 2

17 1

0 2



Ellie Bufkin @ellie_bufkin - Jun 7

It's such a crazy oppressive work situation that literally frees me to write and work as much as I can or want. If only I paid dues to an organization that didn't give a f*ck about me.

0

1

0 5



Ellie Bufkin @ellie_bufkin · Jun 7 (sarcasm intended)

Sarcasin intenueu

0

.-

0



Scott Tobias 🥯 @scott_tobias - Jun 7

Replying to @bdomenech @FDRLST

Breaking the law on Twitter.

Employer/Union Rights and Obligations

The National Labor Relations Act forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining or assisting a labor organization for collective bargaining purposes, or from working together to improve terms and conditions of employment, or refaining from any such activity. Similarly, labor organizations may not restrain or coerce employees in the exercise of these rights.

Examples of employer conduct that violates the law:

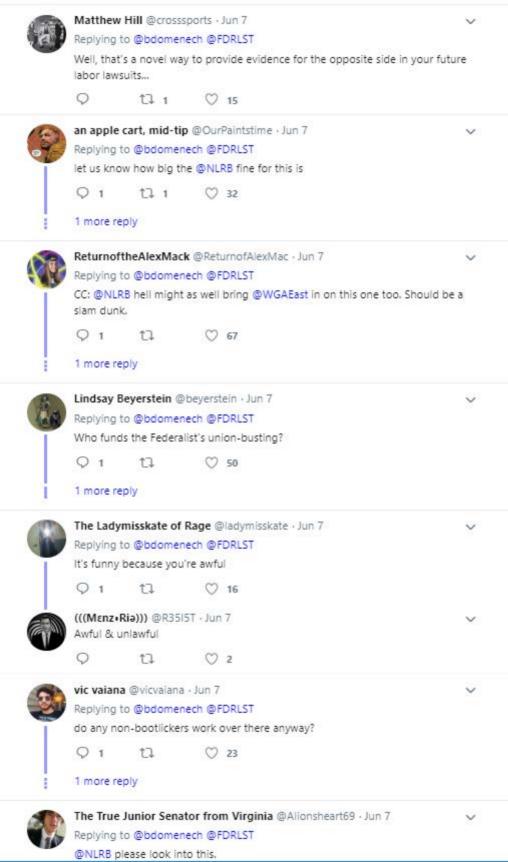
 Threatening employees with loss of jobs or benefits if they join or vote for a union or engage in protected concerted activity.

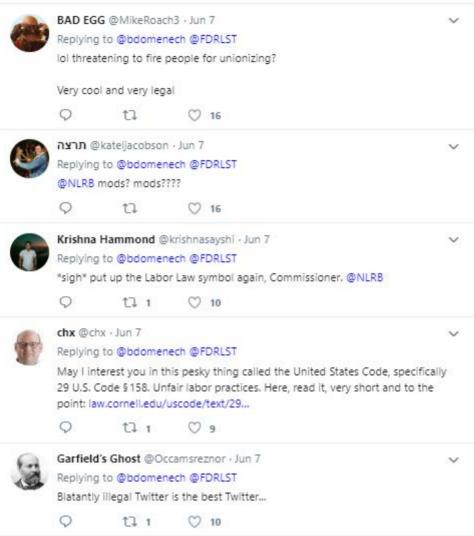
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17 4

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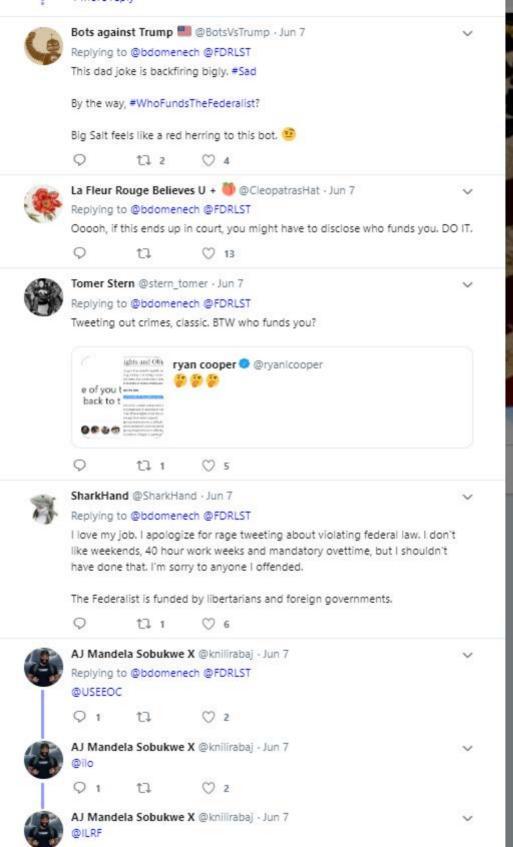




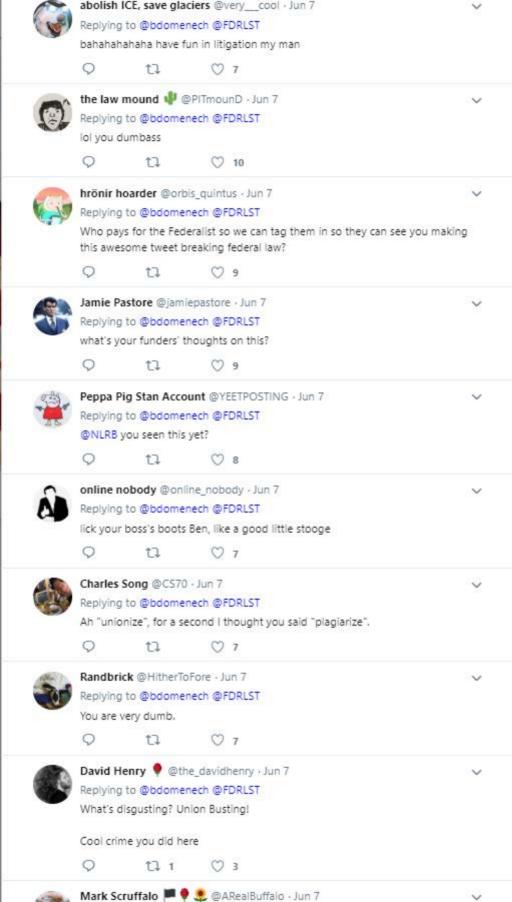


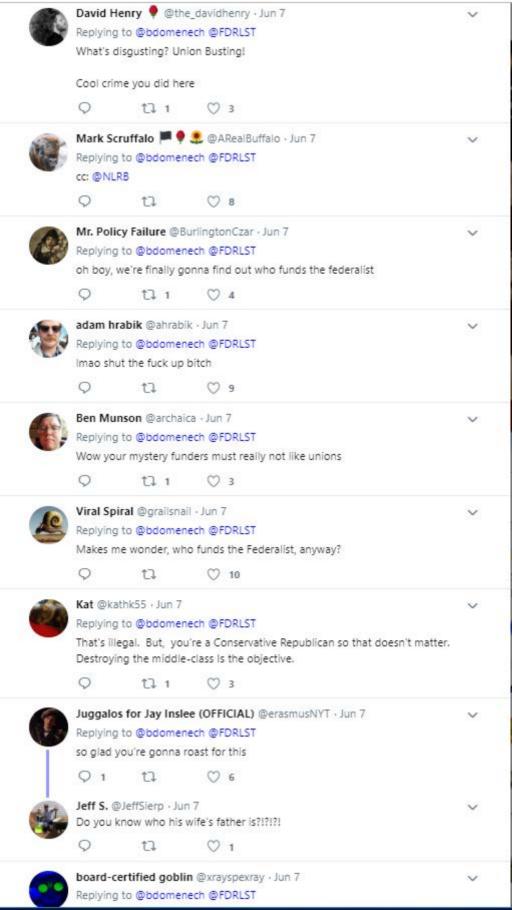


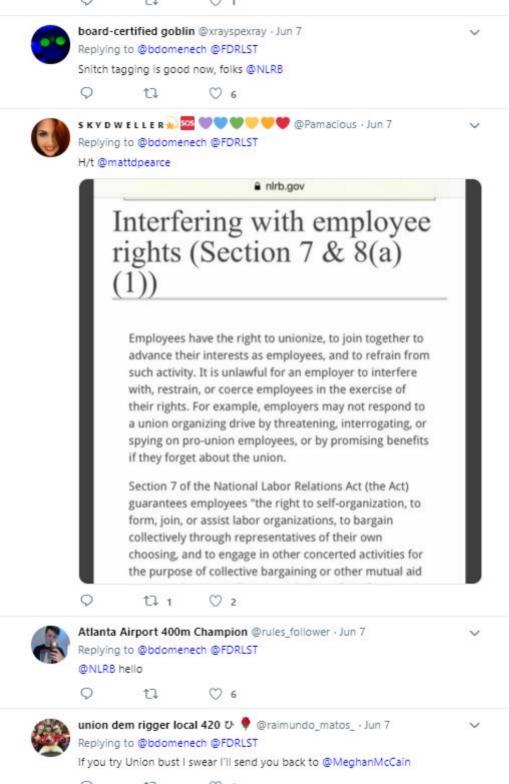














this is illegal





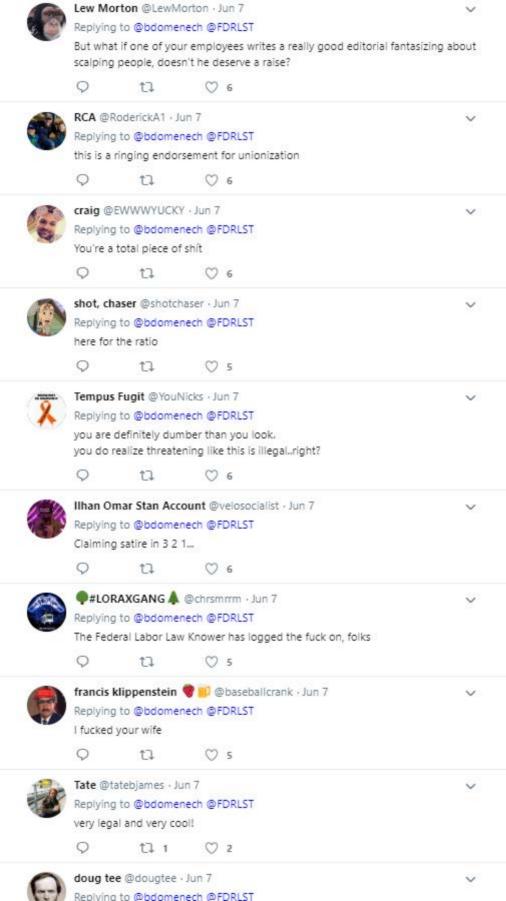
MackJ, regular adult human, @MackJ - Jun 7

Replying to @bdomenech @FDRLST Nothing more federalist than some federal law violations.

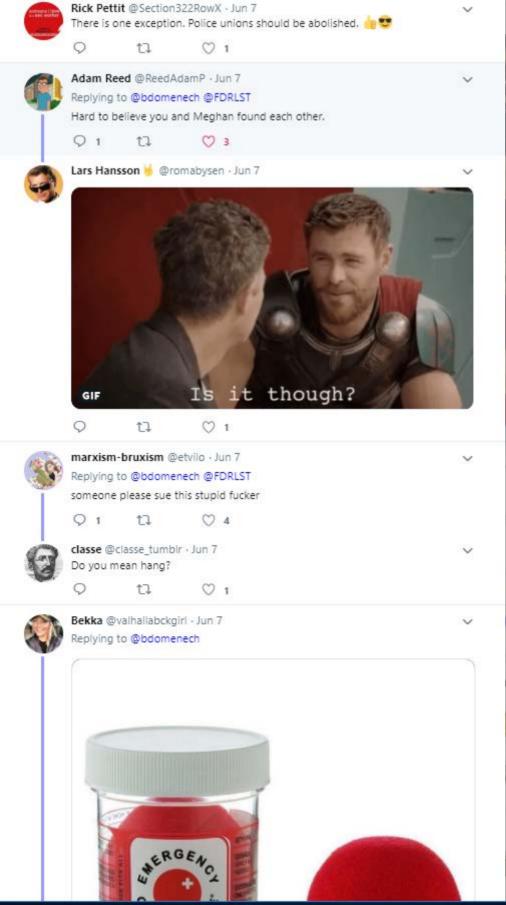
O t3 Ø 6

Lew Morton @LewMorton - Jun 7

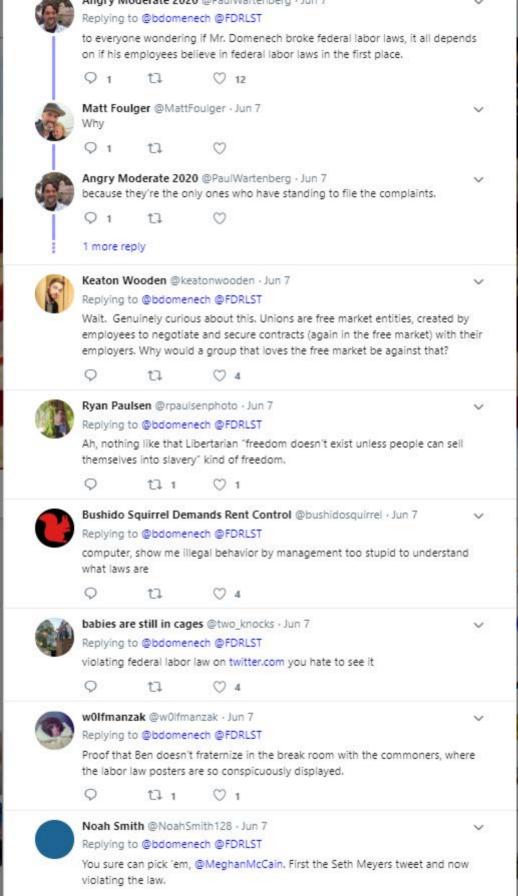
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You sure can pick 'em, @MeghanMcCain. First the Seth Meyers tweet and now violating the law.

Examples of employer conduct that violates the law:

- · Threatening employees with loss of jobs or benefits if they join or vote for a union or engage in protected concerted activity.
 - · Threatening to close the plant if employees select a union to represent them. · Questioning employees about their union
 - sympathies or activities in circumstances that tend to interfere with, restrain or coerce employees in
 - the exercise of their rights under the Act. · Promising benefits to employees to discourage
 - their union support. · Transferring, laying off, terminating, assigning
 - punishing employees because they engaged in union or protected concerted activity. · Transferring, laying off, terminating, assigning employees more difficult work tasks, or otherwise punishing employees because they filed unfair

labor practice charges or participated in an

employees more difficult work tasks, or otherwise

investigation conducted by NLRB. 0 17 1

Twatterspotter @Twatterspotter1 - Jun 7 Replying to @bdomenech @FDRLST It's a union job, believe it or not.

'Salt Mining'

Q 17 1

Replying to @bdomenech @FDRLST

Totally cool and legal.

Narrator's voice: "It wasn't."

0 11

Samantha Laughlin @ChiTownSam723 · Jun 7 Replying to @bdomenech @FDRLST

Angelo 🛤 🙅 Dynamax Attorney @AngeloAlcid - Jun 7

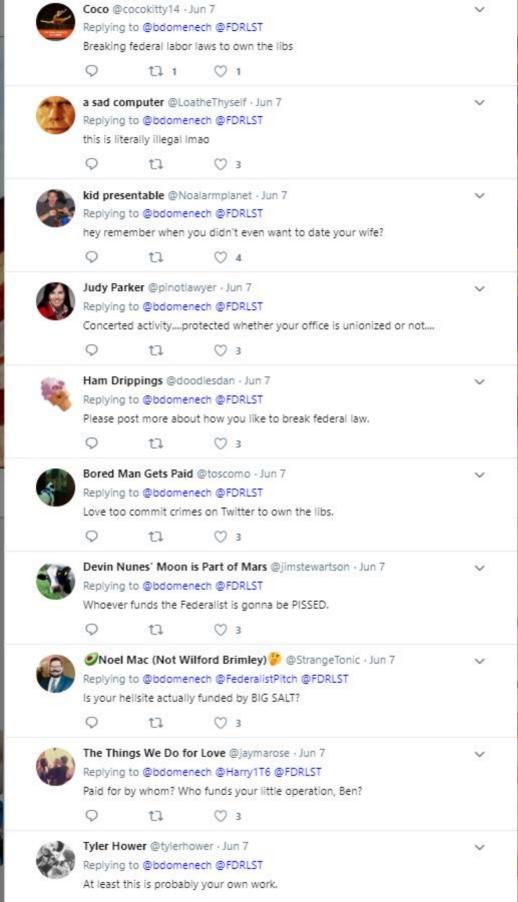
() 3

It's funny because that's illegal to threaten and you're a fucking moron

0 17

WhatFreshHellIsThis? @ChrisWi44047191 - Jun 7 Replying to @bdomenech @FDRLST

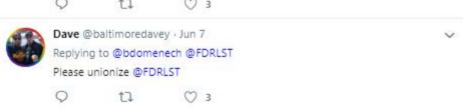
It's funny because it's cruel. Get it?



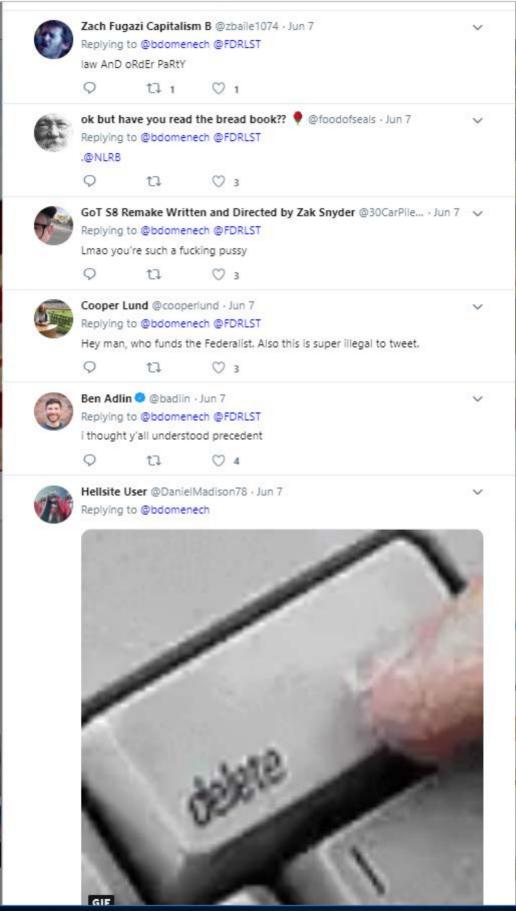


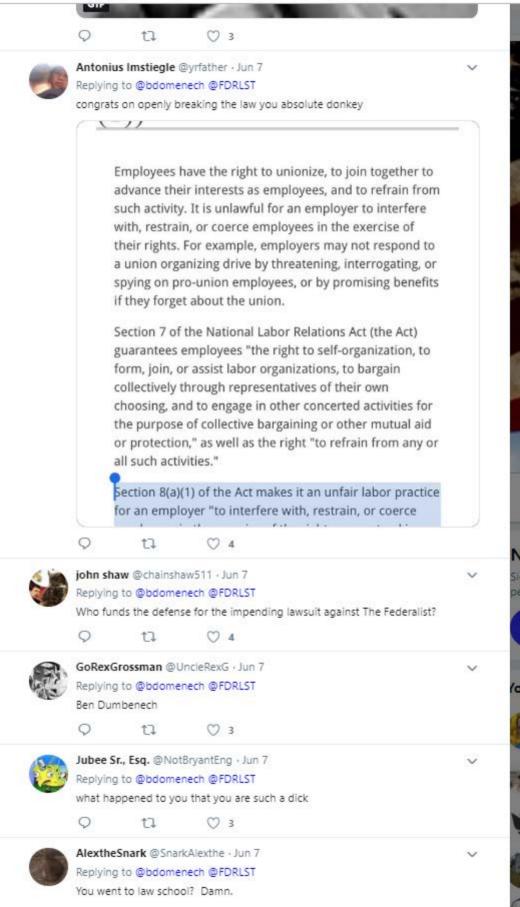












- 16	Replying	to wodomen	ch @FDKLS1						
	You went	to law schoo	? Damn.						
	Q	t] 1	♡ 1						
4	Adzes @	adzesband	ın 7	~					
V	Replying	Replying to @bdomenech @FDRLST							
	Ah, twee	Ah, tweeting out your violations of federal law, aka "The Elon Musk"							
	Q	tı	♡ 3						
C		bored man, (barely) gets paid @DoctorZachJones · Jun 7							
4	Replying	Replying to @bdomenech @FDRLST							
	somethin	Neither your nor your writers could hack it in a salt mine. Salt mines produce something people like and need. You produce nothing of value, only bad (and sometimes illegal!) takes that nobody wants.							
	Q	ta	♡ 4						
4	Filthy Hi	ppie in a Loi	cloth @droctopu5 - Jun 7	~					
	Replying Replying	Replying to @bdomenech @FDRLST							
	EVERYON	EVERYONE: OooOoOoooo you just broke the law, fucknut!							
	ME: Ooo	ME: OooOOooo is it Pink Himalayan Salt?							
	Q	tı	♡ 3						
	J. R. Ton	nlin (Vile Yan	Cybernat) @JRTomlinAuthor + Jun	17 ~					
6	Replying	Replying to @bdomenech @FDRLST							
		You might want to read National Labor Relations Act Section 8(a)(1). I suspect Federal Prosecutors have.							
	Q	tı	♡ 3						
	Abolish	ICEfish @exp	redfish • Jun 7	~					
4	Replying Replying	Replying to @bdomenech @FDRLST							
	Who fun	Who funds the Federalist union busters?							
	Q	tī	♡ 3						
4	yung od	ell @koreasu	ide - Jun 7	~					
	Replying	Replying to @bdomenech @FDRLST							
	Hey Ben	Hey Ben do you not want them to do this because then you might have to reveal							
	who fund	ds your garba	e website?						
	Q	tı	♡ 3						
al a	lil zantad	@thischarm	ngham - Jun 7	~					
1	Replying Replying	Replying to @bdomenech @FDRLST							
		Hey Ben just curious will the upcoming court proceedings list the funders of the Federalist?							
	Q	tī	♡ 3						
			W.						



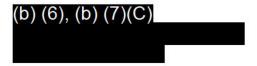
UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 5 BANK OF AMERICA CENTER, TOWER II 100 S. CHARLES STREET, SUITE 600 BALTIMORE, MD 21201

Agency Website: www.nlrb.gov Telephone: (410) 962-2822 Fax: (410) 962-2198

Download NLRB Mobile App

June 13, 2019



Re: FDRLST Media, LLC Case 05-CA-243000

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on June 07, 2019 has been docketed as case number 05-CA-243000. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Andrea Vaughn whose telephone number is (410) 962-0676. If this Board agent is not available, you may contact Supervisory Field Attorney Patrick J. Cullen whose telephone number is (410) 962-2916.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody

or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Nancy Wilson

Acting Regional Director

nangWisa

Enclosure: Copy of Charge



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 5 BANK OF AMERICA CENTER, TOWER II 100 S. CHARLES STREET, SUITE 600 BALTIMORE, MD 21201

Agency Website: www.nlrb.gov Telephone: (410) 962-2822 Fax: (410) 962-2198 Download NLRB Mobile App

June 13, 2019

FDRLST Media, LLC 6160 N. Cicero Avenue, Suite 410 Chicago, IL 60646

> Re: FDRLST Media, LLC Case 05-CA-243000

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Andrea Vaughn whose telephone number is (410) 962-0676. If this Board agent is not available, you may contact Supervisory Field Attorney Patrick J. Cullen whose telephone number is (410) 962-2916.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Nancy Wilson

Acting Regional Director

nanglisa

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011	NATIONAL LABOR RELA	TIONS BOARD											
QUESTIONNAIRE ON COMMERCE INFORMATION													
Please read carefully, answer all applicable ite	ms, and return to the NLRB Office. If additi	onal space is required, ple	ase add a page and identify	item number.									
CASE NAME CASE NUMBER													
05-CA-243000													
1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)													
2. TYPE OF ENTITY													
[] CORPORATION [] LLC [] L	LP [] PARTNERSHIP [] SOL	E PROPRIETORSHIP	[] OTHER (Specify)										
3. IF A CORPORATION or LLC													
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATION	ONSHIP (e.g. parent, subs	idiary) OF ALL RELATEL	DENTITIES									
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME AND ADDR	ESS OF ALL MEMBER	RS OR PARTNERS										
5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS OF PROPR	IETOR											
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products h	andled or manufactured,	or nature of services perfor	med).									
7. A. PRINCIPAL LOCATION:	B. BRANCH LO	CATIONS:											
8. NUMBER OF PEOPLE PRESENTLY	FMPI OVED												
A. Total:	B At the address involved in this t	natter:											
9. DURING THE MOST RECENT (Check appropriate box): [] CALENDAR YR [] 12 MONTHS or [] FISCAL YR (FY dates)													
					YES	NO							
A. Did you provide services valued in	excess of \$50,000 directly to custome	rs outside your State?	If no, indicate actual val	lue.									
	\$ B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods												
valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.													
\$			•										
C. If you answered no to 9A and 9B, did													
less than \$50,000, indicate amount.	broadcasting stations, commercial bu	ildings, educational in	stitutions, or retail conce	rns? If									
		ted outside your State?	If less than \$50,000, inc	dicate									
amount. \$	<u> </u>	- A		D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$									
	E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who												
purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.													
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate													
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

FDRLST MEDIA, LLC Charged Party and (b) (6), (b) (7)(C)	Case 05-CA-243000					
Charging Party						
AFFIDAVIT OF SERVICE OF CHARGE AGA	AINST EMPLOYER					
I, the undersigned employee of the National Labor Relations Board, state under oath that on June 13, 2019, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:						
FDRLST Media, LLC 6160 N. Cicero Avenue, Suite 410 Chicago, IL 60646						
June 13, 2019	Jacqueline Denegal, Designated Agent of NLRB					
Date	Name					
	/s / Jacqueline Denegal					
	Signature					

From: <u>Vaughn, Andrea</u>
To: <u>Vaughn, Andrea</u>

Option: Optio

Subject: Request for Evidence, NLRB Case No. 243000

Date: Thursday, June 13, 2019 4:51:00 PM

Attachments: LTR.05-CA-243000.Request Evidence.pdf

(b) (6), (b) (7)(C)

Please see the attached request for evidence from the National Labor Relations Board related to the charge recently filed against FDRLST Media, LLC.

Thank you,

Andrea Vaughn
Field Attorney
National Labor Relations Board, Region 5
Bank of America Center – Tower II
100 South Charles Street, Suite 600
Baltimore, MD 21201

Tel: (410) 962-0676 Fax: (410) 962-2198

www.nlrb.gov

Agency Website: www.nlrb.gov Telephone: (410)962-2822 Fax: (410)962-2198

Agent's Direct Dial: (410) 962-0676

June 13, 2019

VIA U.S. AND ELECTRONIC MAIL

FDRLST Media, LLC 6160 N. Cicero Avenue, Suite 410 Chicago, IL 60646

FDRLST Media, LLC 8647 Richmond Hwy, Suite 618 Alexandria, VA 22309

(b) (6), (b) (7)(C)

Re: FDRLST Media, LLC Case 05-CA-243000

Dear Sir or Madam:

The charge in the above-captioned case, which was filed by (b) (6), (b) (7)(C) (the Charging Party) alleges that FDRLST Media, LLC (the Charged Party) violated Section 8(a)(1) of the National Labor Relations Act (the Act). I have attempted to reach you by telephone without success. I am writing to give you the specific allegations and to request your response by the close of business on June 27, 2019. This letter also includes my request for documentary evidence and a request to take affidavits. If you are represented by an attorney in this matter, please forward this letter to your attorney and have your attorney file a notice of appearance with this office.

Allegations: I am seeking your response to each of the following allegations, which have been raised in the investigation thus far:

- 1. On or about June 6, 2019, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) of The Federalist, a division of the Charged Party published the following statement on Twitter: "FYI @fdrlst first one of you tries to unionize I swear I'll send you back to the salt mine."
- 2. (b) (6), (b) (7)(C) statement on Twitter constituted a threat of reprisal to employees of the Charged Party if they joined or supported a union.

3. (b) (6), (b) (7)(C) statement interfered with, restrained, or coerced employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C) and any other individuals you believe have information relevant to the investigation of the above-captioned matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by June 20, 2019, to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

- 1. All documents¹ discussing, concerning, or related to any of the following items from the time period of January 1, 2019, to the present:
 - a) Unions, unionization efforts, labor organizations, or labor organizing;
 - b) (b) (6), (b) (7)(C) June 6, 2019 tweet regarding unionization; and
 - c) Communications between or among the Charging Party and any employees, supervisors, managers, or agents of the Charged Party discussing, concerning, or related to (b) (6), (b) (7)(C) June 6, 2019 tweet regarding unionization.

Additionally, I am also seeking the Charged Party's position on the Section 2(11) and 2(13) supervisory and agency statuses of (b) (6), (b) (7)(C) and of any other witnesses the Charged Party may choose to present during this investigation. The Charged Party is also encouraged to submit any relevant case law and supporting argument at the time it submits its evidence in response to the allegations in this matter. However, please be advised that we cannot accept any limitations on the use of any evidence or position statements that are provided to the Agency. Any such limitations will be disregarded and any evidence or position statement will be considered in the investigation and may be introduced into the record in the event this matter is litigated.

To help ascertain the Board's jurisdiction over this matter, please complete and return the Questionnaire on Commerce Information that was served with the charge. In lieu of a completed questionnaire, the Region can accept a stipulation that satisfies the Board's jurisdictional standards.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **June 27, 2019**. If you are willing to

¹ "Documents" includes but is not limited to letters, memoranda, notes, text messages, electronic chats, e-mails, rules, policies, phone logs, social media posts, tweets, and witness statements.

allow me to take affidavits, please contact me by **June 20, 2019,** to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov**, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (410) 962-0676, or e-mail, andrea.vaughn@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Sincerely,

Andrea Vaughn

Field Attorney

From: <u>Mitchell, Waynetta</u>
To: <u>Denegal, Jacqueline</u>

 Subject:
 RE: FDRLST Media, LLC / 05-CA-243000

 Date:
 Thursday, June 13, 2019 6:41:06 AM

I just realized I missed this one, so if it hasn't been taken care of yet, then here's my response.

Your charge has been proofed and is ready for issue. Thank you.

Waynetta Mitchell Case Processing Assistant National Labor Relations Board Region 05 Baltimore Office

I believe holding grudges will block deserved blessings and will snail pace success in life.

From: Denegal, Jacqueline

Sent: Monday, June 10, 2019 4:31 PM

To: Mitchell, Waynetta < Waynetta. Mitchell@nlrb.gov>

Subject: FDRLST Media, LLC / 05-CA-243000

Hi Waynetta,

410 962 2261

Please proof my charge. (ICM)

Thanks!

Regards,

Jacqueline Denegal

Office Automation Assistant National Labor Relations Board Region 5, Baltimore 100 S. Charles Street, Tower II, Ste. 600 Baltimore, MD 21201

410-962-7624

From: Gaston, David

To: <u>Vaughn, Andrea</u>; <u>Cullen, Christopher P.</u>

Subject: RE: Preserving a tweet

Date: Friday, June 14, 2019 5:09:05 PM

Hi Andrea,

I looked at the tweet – that is quite a document. To answer your question, the easiest and best way is to use the Snipping tool (use the search box on the lower right to find it under "Snipping tool") and capture the entire window. I'd also use the Chrome browser to "print to pdf" since it does a good job memorializing the time and date of the capture, information which can be used to substantiate the less formal screen capture method. Used in tandem, you should be in good shape. Be sure to note the time and date of the capture in the file name and maybe send the results to yourself via e-mail for triple proof.

Regards, DG

From: Vaughn, Andrea

Sent: Friday, June 14, 2019 12:36 PM

To: Gaston, David <David.Gaston@nlrb.gov>; Cullen, Christopher P. <Christopher.Cullen@nlrb.gov>

Subject: Preserving a tweet

Good afternoon:

I wanted to reach out to you both with an e-litigation question that came up in a charge we're investigating. The Charged Party published a <u>tweet</u> that is the core of the allegation. I took a screen shot of it, and so far he has not deleted it, but is there anything else we should do to preserve it and/or any of the replies that follow it?

Thanks for your help,

Andrea

Andrea Vaughn
Field Attorney
National Labor Relations Board, Region 5
Bank of America Center – Tower II
100 South Charles Street, Suite 600
Baltimore, MD 21201

Tel: (410) 962-0676 Fax: (410) 962-2198

www.nlrb.gov

From: (b) (6), (b) (7)(C)

To: <u>Vaughn Andrea</u>

Subject: Fwd: 1-2505072801-Signed Charge Against Employer

Date: Saturday, June 15, 2019 11:10:16 PM

Hi Andrea,

Can I withdraw this charge?

Regards, (b) (6), (b) (7)(C)

----- Forwarded message -----

From: NLRBRegion5@nlrb.gov <e-Service@service nlrb.gov>

Date: Fri, Jun 7, 2019 at 2:27 PM

Subject: RE: 1-2505072801-Signed Charge Against Employer

To: (b) (6), (b) (7)(C)

Confirmation Number: 1000280486

You have successfully accomplished the steps for E-Filing a *Charge - CA* with NLRB Region 05, Baltimore, Maryland. This email notes the official date and time of the receipt of your submission. Please save this email for future reference. Please note that this receipt is not confirmation that your case has been docketed; rather, this email solely constitutes the regional office's acknowledgment of receipt of your document(s).

Your account profile is saved in the system. <u>Click here</u> to view your previous E-filings with NLRB and to use your saved profile to E-File additional documents to Cases or Inquiries. When you use this link to E-File documents your contact information will be pre-populated on the E-Filing page, no need to reenter your information.

Date Submitted: 6/7/2019 2:23:39 PM (UTC-05:00) Eastern Time (US & Canada)

Dispute Location:

Regional, Sub-Regional Or Resident Office: Region 05, Baltimore, Maryland

Charge Type: CA

Inquiry Number: 1-2505072801
Filing Party: Charging Party
(b) (c) (b) (7)(7)

Name: (b) (6), (b) (7)(C)
Email: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
Address:

(b) (6), (b) (7)(C) Telephone: (b) (6), (b) (7)(C)

Fax:

Additional Email:

Attachments: Signed Charge Against Employer: (b) (6), (b) (7)(C) Tweet.pdf

DO NOT REPLY TO THIS MESSAGE. THIS IS A POST-ONLY NOTIFICATION.

MESSAGES SENT DIRECTLY TO THE EMAIL ADDRESS LISTED ABOVE WILL NOT BE READ.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

BANK OF AMERICA CENTER, TOWER II 100 S. CHARLES STREET, STE 600 BALTIMORE, MD 21201

Agency Website: www.nlrb.gov Telephone: (410)962-2822 Fax: (410)962-2198

June 17, 2019

FDRLST Media, LLC 6160 N. Cicero Avenue, Suite 410 Chicago, IL 60646

> Re: FDRLST Media, LLC Case 05-CA-243000

Dear Sir or Madam:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

1s/ Sean R. Marshall

Sean R. Marshall Acting Regional Director

cc:

(b) (6), (b) (7)(C)